

AMENDED IN ASSEMBLY MAY 10, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Chau

February 19, 2016

An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as amended, Chau. Advertising: educational conferences. Existing law prohibits various specified advertising practices, including, among others, an educational travel organization's, as defined, placement or use of any misleading or untruthful advertising or statements or making of a substantial misrepresentation in conducting an educational travel program. Under existing law, the violation of any of these prohibitions is a misdemeanor.

This bill would require an educational conference organization, as defined, that provides materials related to an educational conference, as defined, directly to a school or school employee for purposes of distribution to a student to include specified disclosures ~~in~~ *with the materials* ~~materials, to provide those disclosures to the school and specified school employees,~~ and to provide the materials in a sealed envelope or other packaging addressed to the parent or legal guardian of the student. As a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) K–12 students are particularly vulnerable to solicitations for
4 educational leadership conferences or forums that may appear to
5 be selective awards or competitive honors, but are in fact
6 sophisticated solicitations from for-profit companies.

7 (b) While such conferences and forums may have merit as
8 learning experiences for students, it is nevertheless important to
9 ensure that students, parents, and teachers are not misled by these
10 solicitations. The State of California has previously enacted laws
11 regulating educational travel organizations in order to protect
12 students engaged in educational travel.

13 (c) Because it is of the utmost importance that the State of
14 California take action to protect students from false or misleading
15 advertising, promote high-quality educational travel experiences,
16 encourage public confidence in leadership conferences, and assist
17 organizations soliciting participation in these conferences in
18 complying with safe and reputable practices, it is the intent of the
19 Legislature to establish appropriate marketing restrictions and
20 disclosure requirements on these solicitations.

21 (d) The Legislature recognizes the contributions that many
22 nonprofit service organizations have made in the area of youth
23 leadership training, such as the Boys and Girls State programs
24 organized by the American Legion and the Rotary Youth
25 Leadership Awards and Interact programs operated by the Rotary
26 Club. These programs have demonstrated a strong commitment
27 to youth education and civic awareness in diverse communities
28 across the nation for decades, often at little or no cost to the
29 participants.

1 SEC. 2. Section 17531.3 is added to the Business and
2 Professions Code, to read:

3 17531.3. (a) For purposes of this section, the following terms
4 have the following meanings:

5 (1) "Educational conference" means a conference, forum, camp,
6 or other similar event, intended to develop the leadership, career,
7 or college readiness of a student or provide some other form of
8 educational benefit, when participation in the event is represented
9 as being limited to students receiving an award, invitation, or
10 nomination to participate in the event.

11 (2) "Educational conference organization" or "organization"
12 means a person, partnership, corporation, or other entity that
13 operates in a for-profit manner and that plans and advertises
14 educational conferences to students residing in the State of
15 California.

16 (3) "Student" means a person who is enrolled in elementary or
17 secondary school, grade kindergarten through grade 12, at the time
18 an educational conference is arranged with an educational
19 conference organization.

20 (b) An educational conference organization that provides
21 materials related to an educational conference directly to a school
22 or any employee thereof for purposes of distribution to a student
23 shall comply with ~~both~~ *all* of the following:

24 (1) The organization shall provide the materials in a sealed
25 envelope or other packaging addressed to the parent or legal
26 guardian of the student.

27 (2) The organization shall include ~~in~~ *with* the materials all of
28 the following disclosures, in clear and conspicuous language:

29 (A) That the materials constitute a solicitation for the sale of a
30 product.

31 (B) The legal form of the organization making the solicitation,
32 including the for-profit status of the organization.

33 (C) The legal owner, if any, of the organization making the
34 solicitation.

35 (D) The specific eligibility criteria required for participation in
36 the solicited educational conference or conferences, if any.

37 (E) An itemized list of the costs to participate in the educational
38 conference and the total price of participating in the educational
39 conference, including estimated expenses not included in the price
40 of the educational conference.

1 (F) That attendance at an educational conference may not affect
2 a student's chances of being admitted to college and that a parent
3 or guardian should contact the student's school counselor for more
4 information.

5 (G) Whether or not a nomination from a teacher or school
6 administrator is required to participate in the educational
7 conference, or if an individual may be self-nominated or nominated
8 by a parent or guardian.

9 (H) The total amount, if any, of funding or other support,
10 including employment or grants for school supplies, the
11 organization has provided to the student's school or the school's
12 employees during the last three years before the date of the
13 solicitation.

14 (I) A phone number, email address, or Internet Web site that a
15 parent or guardian may use to contact a government agency within
16 the relevant jurisdiction for purposes of filing a complaint related
17 to the solicitation or the educational conference itself.

18 (3) *The organization shall provide the disclosures described in*
19 *paragraph (2) on separate documents addressed to the school and*
20 *to any employee thereof who is asked to distribute materials to a*
21 *student.*

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.